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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,375	06/18/2001	Anton Oguzhan Alford Andrews	PHN-17.707	8890

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BRIARCLIFF MANOR, NY 10510

EXAMINER
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VU, THANH T

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 06/04/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/868,375

Applicant(s)

ANDREWS ET AL.

Examiner

Thanh T. Vu

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: the claims require “an information processing device”. However, the claims appear to be all software elements. There is no hardware presented in the device.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-12, 14-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims require “an information processing device”. However, the claims appear to be all software elements. There is no hardware presented in the device.

Claim 17 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, specially a software program. Software programs claimed as a set of instructions to be executed by a processor per se, i.e., the descriptions or expressions of the programs, are not physical “things,” nor are they statutory processes, as they are not “acts” being performed. Such claimed software programs do not define any structural and functional

Art Unit: 2174

interrelationships between the software program and other claimed aspects of the invention which permit the computer program's functionality to be realized. In contrast, a claimed computer readable medium encoded with a computer program defines structural and functional interrelationships between the software program and the medium which permit the computer program's functionality to be realized, and is thus statutory. See MPEP §2106 Section IV.B.1(a).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Nawaz et al.

("Nawaz", U.S. Pat. No. 5,959,621).

Per claim 1, Nawaz teaches an information processing device for user selectably presenting information, comprising flow zone means (201) for displaying a flow zone (102) comprising flowing links (103) to respective information units, and information selection means (202) for presenting a selected information unit in response to a user selecting a link in the flow zone (fig. 3; col. 8, lines 34-47).

Per claim 2, Nawaz teaches a device as defined in claim 1, the flow zone means comprising user operable flow control means (203) for controlling the flow speed and/or flow direction of the flowing links (103) (col. 8, lines 44-53).

***Claim Rejections - 35 USC § 103***

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nawaz et al. ("Nawaz", U.S. Pat. No. 5,959,621) in view of Straub et al ("Straub", U.S. Pat. No. 6,216,141).

Per claim 3, Nawaz teaches a device as defined in claim 2, but does not teach the flow control means (203) comprising user operable point-and-select means (204) for selecting a location within the flow zone, the flow control means being arranged to stop the flow in response to the user statically selecting a location within the flow zone. However, Straub teaches the flow control means (203) comprising user operable point-and-select means (204) for selecting a location within the flow zone, the flow control means being arranged to stop the flow in response to the user statically selecting a location within the flow zone (col. 9, lines 24-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the flow control means as taught by Straub in the invention of Nawaz because it provides users different navigation control options to scan through the information in the viewer.

Claims 4-5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nawaz et al. ("Nawaz", U.S. Pat. No. 5,959,621) in view of Straub et al ("Straub", U.S. Pat. No. 6,216,141) and further in view of Yamada et al. ("Yamada", U.S. Pat. No. 6,259,432).

Per claims 4 and 5, Nawaz and Straub a device as defined in claim 3, but do not teach the flow control means (203) being arranged to increase the flow speed in response to the user selecting a location and dragging said location in the flow direction and to reverse the flow direction in response to the user selecting a location and dragging said location against the flow

Art Unit: 2174

direction. However, Yamada teaches the flow control means (203) being arranged to increase the flow speed in response to the user selecting a location and dragging said location in the flow direction and to reverse the flow direction in response to the user selecting a location and dragging said location against the flow direction (figs. 6 and 7; col. 18, lines 20-47). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the flow control means as taught by Yamada in the invention of Nawaz and Straub because it provides users different navigation control options to control the direction and speed of the scrolling information.

Per claim 6, Nawaz teaches a device as defined in claim 5, the flow zone means (201) being arranged to alternately display links (103) and flow control areas (104), the selection of a location for controlling the flow being restricted to said flow control areas (fig. 3; col. 12, lines 36-40 and lines 45-65).

Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nawaz et al. ("Nawaz", U.S. Pat. No. 5,959,621) in view of Straub et al ("Straub", U.S. Pat. No. 6,216,141), in view of Yamada et al. ("Yamada", U.S. Pat. No. 6,259,432) and further in view of Bauersfeld (U.S. Pat. No. 5,917,491).

Per claim 7, Nawaz, Straub and Yamada teach device as defined in claim 6, the device being further arranged to display a selected information unit in a presentation zone (106), the information selection means (202) being arranged to select the information unit in response to the user selecting a link of the flow zone (102) (Nawaz; col. 9, lines 30-36), but do not teach dragging the link to the presentation zone. However, Bauersfeld teaches dragging the link to the

Art Unit: 2174

presentation zone (col. 2, lines 29-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the drag and drop means as taught by Bauersfeld in the invention of the modified Nawaz in order to provide users convenient and immediate access to the link using the drag and drop.

Per claim 8, Nawaz teaches a device as defined in the claim 7, the device further comprising filtering means (206) comprising user selectable filters (105) for controlling the flow zone (102) to display only links to information units which meet a requirement imposed by a selected filter (col. 9, lines 37-42).

Per claim 9, Nawaz teaches a device as defined in claim 8, the filtering means (206) being arranged to adapt the selected filter so as to display links to information units similar to the selected information unit (col. 9, lines 37-42; col. 12, lines 45-65).

Per claim 10, Nawaz teaches a device as defined in the claim 9, the device further comprising user-link means (207) for maintaining a plurality of preferred user-links and displaying said user-links in a further zone (110) (col. 12, lines 45-65).

Per claim 11, Nawaz teaches a device as defined in claim 10, the device further comprising means (208, 113) for communicating with a user supplied data carrier for storing and/or retrieving said user-links (col. 12, lines 45-65; col. 13, lines 39-45).

Claims 12, 14, 16, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nawaz et al. ("Nawaz", U.S. Pat. No. 5,959,621) in view of Straub et al. ("Straub", U.S. Pat. No. 6,216,141), in view of Yamada et al. ("Yamada", U.S. Pat. No. 6,259,432), in view of

Art Unit: 2174

Bauersfeld (U.S. Pat. No. 5,917,491) and further in view of Aggarwal et al ("Aggarwal", U.S. Pat. No. 6,714,975).

Per claim 12, the modified Nawaz teaches a device as defined in claim 10, wherein the frequency of display of an information unit in the flow zone is determined (col. 8, lines 34-47; col. 8, lines 62-67), but does not teach display of an information unit in the flow zone is determined by its age and/or popularity. Aggarwal teaches display of an information unit in the flow zone is determined by its age and/or popularity (col. 6, lines 20-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the delivering of targeted information as taught by Aggarwal in the invention of the modified Nawaz in order to deliver relevant information to web users based on demographic data.

Per claim 14, Nawaz teaches a device as defined in claim 12, the flow control means (203) being arranged to control the flow of at least a subset of the flowing links in accordance with a relocation of the device, said subset of the flowing links being anchored to a specific location (col. 12, lines 45-65; col. 13, lines 9-17 and lines 39-45).

Per claim 16, Nawaz teaches a system for user selectably presenting information, comprising devices as defined in claim 14, an a data carrier for transporting user-links between said devices (col. 13, lines 39-45; col. 14, lines 30-35).

Per claim 17, Nawaz teches a computer program product enabling a general purpose computer, when executing said computer program product, to function as a device as defined in the claim 14 (col. 5, lines 67).



Per claim 18, Nawaz teaches a data carrier for use in a system as defined in claim 16 (col. 13, lines 39-45).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nawaz et al. ("Nawaz", U.S. Pat. No. 5,959,621) in view of Straub et al ("Straub", U.S. Pat. No. 6,216,141), in view of Yamada et al. ("Yamada", U.S. Pat. No. 6,259,432), in view of Bauersfeld (U.S. Pat. No. 5,917,491), in view of Aggarwal et al ("Aggarwal", U.S. Pat. No. 6,714,975) and further in view of Lochridge (U.S. Pat. No. 6,305,766).

Per claim 13, the modified Nawaz teaches a device as defined in claim 12, but does not teach a table comprising the device. However, Lochridge teaches a table comprising the device (col. 3, lines 12-30; col. 6, lines 31-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the mounting of a computer to a table as taught by Lochridge in the invention of the modified Nawaz in order to adopt new computer table designs and thereby improve the health and productivity of those using the computer.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nawaz et al. ("Nawaz", U.S. Pat. No. 5,959,621) in view of Straub et al ("Straub", U.S. Pat. No. 6,216,141), in view of Yamada et al. ("Yamada", U.S. Pat. No. 6,259,432), in view of Bauersfeld (U.S. Pat. No. 5,917,491), in view of Aggarwal et al ("Aggarwal", U.S. Pat. No. 6,714,975) and further in view of Kanevsky (U.S. Pat. No. 6,300,947).

Per claim, 15, the modified Nawaz teaches a device as defined in claim 14, but does not teach said device being a portable device. However, Kanevsky teaches a device being a portable

Art Unit: 2174

device (col. 5, lines 5-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the portable device as taught by Kanevsky in the invention of the modified Nawaz in order to provide users the ability of access information from anywhere the users want.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Selker (U.S. Pat. No. 6,182,098) discloses a method for displaying a group of headlines from a headline stream across the bottom of a computer graphical user interface.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (703)-308-9119. The examiner can normally be reached on Mon-Thur and every other Fri 8:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. Vu  
05/25/04

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